

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7283

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TERVEUS HYPPOLITE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CR-93-40, CA-97-74-4-H)

Submitted: January 27, 1998

Decided: February 18, 1998

Before WIDENER, HALL, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Terveus Hyppolite, Appellant Pro Se. Captain Benjamin Clarke Hall, OFFICE OF THE STAFF JUDGE ADVOCATE, Camp Lejeune, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1997). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal substantially on the reasoning of the district court. United States v. Hyppolite, Nos. CR-93-40; CA-97-74-4-H (E.D.N.C. July 25, 1997). To the extent Appellant claims ineffective assistance of counsel because trial counsel failed to adequately argue Appellant's Fourth Amendment issue and failed to adequately impeach a Government witness, we find that Appellant failed to establish that his attorney's performance fell below an objective standard of reasonably competent assistance. See Strickland v. Washington, 466 U.S. 668, 687 (1984). We find Appellant's claim that the district court failed to compel a response from the Government meritless because Appellant failed to establish how this prejudiced him. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED